

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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TYRESE LINDSAY,

PLAINTIFF,

V.

DEPARTMENT OF VETERAN AFFAIRS,

DEFENDANT.

CIVIL No. 08-6560 (PJS/AJB)

**ORDER**

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Based upon the Report and Recommendation by United States Magistrate Judge Arthur J. Boylan dated November 23, 2009, with all the files and records, and no objections having been filed to said Recommendation, **IT IS HEREBY ORDERED** that:

1. The Government's Motion to Dismiss Plaintiff's Complaint [Docket No. 17] is **GRANTED** pursuant to Fed. R. Civ. P. 4(m) and 41(b).
2. All claims within Plaintiff's Amended Complaint [Docket No. 5] are **DISMISSED WITHOUT PREJUDICE.**

Dated: 1/6/10

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge